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08/525,655 09/29/95 SCHMIDT

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EXAMINER

ELINSHAW

ART UNIT

PAPER NUMBER

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1105

DATE MAILED: 07/22/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

- ☐ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 1-7 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-7 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☒ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☒ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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Part III DETAILED ACTION

1. Claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "using an aqueous solution of leuco indigo" is ambiguous because it does not clearly describe the process of the invention in which a solution of leuco indigo is added to a dyebath; the dyebath itself then becoming the solution of leuco indigo in which the textile material is dyed. Thus it can be seen that the dyebath, which is the proper antecedent for claims 2-4 since it is the solution in which the textile is dyed, contains much less leuco indigo and alkali than is claimed in dependent claims 2-4.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention

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were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3. Claims 1-4 are rejected under 35 U.S.C. § 103 as being unpatentable over Fono et al., U. S. patent 4,166,717 in view of Herz et al., U. S. patent 2,044,790 and/or Rogovik et al., abstract CA 86:74408 of patent SU 334,850.

Fono is cited for his disclosure of the conventional method of dyeing cellulosic textiles with indigo, which comprises reducing indigo to its leuco form, impregnating said textiles with the leuco indigo, and then oxidizing the indigo to its insoluble colored form. See abstract.

Fono differs from these claims in failing to reduce the indigo using catalytic hydrogenation.

Herz et al. disclose that a conventional practice to reduce indigoid dyes is by catalytic hydrogenation. See page 1 lines 21-26.

Rogokiv et al. disclose reducing vat dyes including thioindigos by hydrogenation using Raney nickel catalyst. See entire abstract.

The subject matter would have been obvious to the skilled artisan that catalytic reduction is a conventional method used to reduce vat dyes, of which indigo is the most commonly used to dye cellulosic textiles. Thus no novelty is seen in using indigo reduced by catalytic reduction in the conventional method of

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dyeing cellulosic textiles using indigo which has been prereduced, and then oxidizing the dyestuff after it has been imbibed by the fiber.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is (703) 308-3826. The examiner can normally be reached on Monday to Thursday and alternate Fridays from 7:00 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Lieberman, can be reached on (703) 308-2523. The fax phone number for this Group is (703) 305-3600.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.



MARGARET EINSMANN
PRIMARY EXAMINER 1105

February 20, 1996